

a. 25. A method according to Claim 22 further comprising the step of transmitting the money order to a party.

Remarks

The Office Action mailed March 28, 2001 has been carefully reviewed and the following remarks are submitted in response thereto.

After entry of the new claims submitted with this amendment, Claims 1 – 25 will be pending in this application. Claims 1 – 10 stand rejected. Claims 11 – 25 are newly added. A fee calculation sheet for the newly added claims along with authorization to charge a deposit account in the amount of the calculated fee are submitted herewith.

Applicant hereby notifies the USPTO that small entity status is no longer appropriate in the present application. Specifically, due to a change in status, this application is no longer entitled reduced fees due to small entity status.

Applicant notes the objections to the drawings. Upon receipt of a Notice of Allowability, Applicant will submit substitute drawings.

The rejection of Claims 1 – 4 under 35 U.S.C. § 102(e) as being anticipated by Mersky et al. (Mersky) is respectfully traversed.

Mersky describes a system in which a customer typically visits an agent site (e.g., a retail establishment) and tenders payment, preferably manually (cash), in response to receiving a billing statement from a creditor. Specifically, and as explained in Mersky, a customer using the system for the first time typically visits one of the remote sites (agent sites) and tenders payment in response to receiving a creditor billing statement. Mersky, Col. 2, Lines 49 – 52. Each agent computer system transmits, at a predetermined time (e.g., at the closing of business), daily transaction information to a host computer, Mersky, Col. 2, Lines 66 – 67, and the host computer creates a transaction report for each creditor. Mersky, Col. 3, Lines 1 – 5. The reports are

provided to each creditor, and each creditor then credits the customer payments to the corresponding customer account. Mersky, Col. 3, Lines 5 – 9. A service provider receives funds from each agent and pays each of the creditors via electronic funds transfer or other conventional payment form. Mersky, Col. 3, Lines 15 – 18.

Mersky further describes purchasing a money order at an agent site. Mersky, Col. 11, Lines 9 – 32. To the extent understood, and as explained in Mersky, a customer visits an agent site, tenders payment (cash) for a money order, and the agent prints the money order at the agent site for the customer. The agent transmits information to the host system, and the host system transmits a report to the money order company. A service provider receives payment from the agent and pays the money order company.

In contrast, Claim 1 recites a method for purchasing a money order that includes the step of “contacting the money order system via the internet by a user desiring to purchase a money order in a predefined amount”. Applicant respectfully submits that Mersky does not describe nor suggest such a step. Rather, Mersky teaches purchasing a money order at an agent site, which is explained in Mersky as being a remote site associated with an agent (e.g., a local retail establishment), see, e.g., Mersky, Col. 2, Lines 36 – 40. Applicants respectfully submit that Mersky neither teaches nor suggests that a user contact a money order system via the internet as recited in Claim 1.

Further, Mersky distinguishes away from such a step by arguing that systems that rely on computers or other devices for electronic funds transfer are unavailing for customers who do not have either a computer or other communication device, or a checking or other bank account. Mersky, Col. 1, Lines 55 – 58. Mersky further explains that such systems do not accommodate customers that desire, or are only able, to pay creditors with cash. Mersky, Col. 1, Lines 58 – 63. The system described in Mersky is designed so that customers can visit an agent site and pay bills in cash.

For the reasons set forth above, Claim 1 is submitted to be patentable over Mersky

Claims 2 - 4 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2 - 4 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2 - 4 likewise are patentable over Mersky et al.

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1 - 4 be withdrawn.

The rejection of Claims 5 - 10 under 35 U.S.C. § 103 as being unpatentable over Mersky in view of Barzilai et al. is respectfully traversed.

Mersky is described above. Barzilai et al. (Barzilai) is cited for showing that it is conventional to perform electronic payment on online bidding, sales, and auctions. Specifically, the system described in Barzilai is for an electronic auction, and the system accepts an electronic payment of funds from each bidder for each bid based on the number of bids submitted by a bidder. Barzilai, Col. 2, Lines 50 – 52. That is, each bid costs the bidder a predetermined amount of money.

In Barzilai, sales are confirmed via electronic mail or by voice communication. Barzilai, Col. 14, Lines 35 – 37. The customer then confirms the sales price and method of payment. If payment is made by credit card or E-bank, an electronic transfer of funds is completed. Barzilai, Col. 14, Lines 44 – 54.

Applicant respectfully submits that a combination of Mersky and Barzilai is not proper. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. In addition, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a

given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

The present Section 103 rejection is based on a combination of teachings selected from Mersky and Barzilai in an attempt to arrive at the claimed invention. Specifically, Mersky is cited for teaching purchasing a money order via the internet, and Barzilia is cited for teaching electronic payment on online bidding, sales, and auctions. Mersky, however, teaches away from online payment by a customer. Since there is no teaching nor suggestion in the cited art for the combination (in fact, there is a teaching away from the combination in Mersky as explained above), the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant requests that the Section 103 rejection be withdrawn.

Further, and to the extent understood, a combination of Mersky and Barzilia would result in a system in which a winner of a bid (although it is not clear how a customer in Mersky would participate in an online auction since Mersky is directed to customers without computers or other devices) would visit a retail outlet to purchase a money order, and then the customer would deliver the purchased money order to the seller. In contrast, Claim 5 recites the steps of transmitting information to the money order system via the internet by the buyer to purchase the money order for sale of the goods, and delivering from the money order system the generated money order to the seller. Applicant respectfully submits that neither step is even suggested by the cited combination. Specifically, neither Mersky nor Barzilia suggest that a buyer transmit information, via the internet, to a money order system to purchase a money order, and neither Mersky nor Barzilia suggest that the money order system send a money order directly to the seller.

For the reasons set forth above, Claim 5 is submitted to be patentable over Mersky and Barzilia.

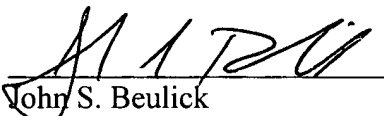
Claims 6 - 10 depend, directly or indirectly, from independent Claim 5. When the recitations of Claims 6 - 10 are considered in combination with the recitations of Claim 5, Applicant submits that dependent Claims 6 - 10 likewise are patentable over Mersky and Barzilia.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 5 - 10 be withdrawn.

With respect to newly added Claim 11 - 25, Applicant respectfully submits that none of the cited art describes the subject matter recited in such claims. Therefore, Applicant submits that Claims 11 - 25 are patentable over the cited art.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,


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